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NEHEMIAH AVILA

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8 UNITED STATES DISTRICT COURT

9 EASTERN DISTRICT OF CALIFORNIA

10

11 UNITED STATES OF AMERICA,  
12 Plaintiff,  
13  
14 vs.  
15 NEHEMIAH AVILA, CEASAR MARTINEZ,  
and RICARDO MARMOLEJO,  
16 Defendants.

17 Case No.: 2:21-cr-020 DAD

18  
19 STIPULATION AND ORDER  
CONTINUING STATUS CONFERENCE  
AND EXCLUDING TIME UNDER THE  
SPEEDY TRIAL ACT

20  
21 Date: September 15, 2022  
Time: 9:30 a.m.  
Court: Hon. Troy L. Nunley

22 Plaintiff United States of America by and through Assistant United States Attorney  
23 Adrian Kinsella, and Attorney Todd Leras on behalf of Defendant Nehemiah Avila, Attorney  
24 Michael Long on behalf of Defendant Ceasar Martinez, and Attorney Dina Santos on behalf of  
25 Defendant Ricardo Marmolejo, stipulate as follows:

26 1. This matter was previously set for a status conference before United States District

27 Judge Troy L. Nunley to be held on September 15, 2022. On August 25, 2022, Chief  
28 ORDER CONTINUING STATUS  
CONFERENCE

1 Judge Kimberly J. Mueller reassigned this matter for all further proceedings to United  
2 States District Judge Dale A. Drozd. (ECF Document 62). By this stipulation,  
3 Defendants Avila, Martinez, and Marmolejo move to set a status conference before  
4 Judge Drozd on November 8, 2022. The government does not oppose the request.  
5

6 2. This case involves a conspiracy to distribute controlled substances. Investigation of  
7 the matter included the use of court-authorized wiretaps. The government has  
8 provided defense counsel with a significant volume of discovery materials, including  
9 hundreds of audio files of intercepted calls, written reports, and wiretap authorization  
10 requests.  
11

12 3. Defendants Avila and Martinez are in pre-trial detention at the Sacramento County  
13 Main Jail. Defense counsel for all three defendants are engaged in continuing  
14 discovery review and defense investigation as to the charged offenses and potential  
15 mitigation evidence in the event of a negotiated disposition.  
16

17 4. Given the continuing defense investigation and reassignment of the matter,  
18 Defendants Avila, Martinez, and Marmolejo request to set a status conference on  
19 November 8, 2022. They further move to exclude time between September 15, 2022  
20 and November 8, 2022, inclusive, under Local Code T-4.  
21

22 5. All defense counsel represent and believe that failure to grant additional time as  
23 requested would deny Defendants Avila, Martinez, and Marmolejo the reasonable  
24 time necessary for effective preparation, considering the exercise of due diligence.  
25

26 6. Based on the above-stated facts, Defendants Avila, Martinez, and Marmolejo request  
27 that the Court find that the ends of justice served by continuing the case as requested  
28

ORDER CONTINUING STATUS  
CONFERENCE

1 outweigh the best interest of the public and the Defendants in a trial within the time  
2 prescribed by the Speedy Trial Act.

3 7. For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161, *et*  
4 *seq.*, within which trial must commence, the time period of September 15, 2022 to  
5 November 8, 2022, inclusive, is deemed excludable pursuant to 18 U.S.C. §  
6 3161(h)(7)(A), and (B) (iv) [Local Code T-4] because it results from a continuance  
7 granted by the Court at Defendants' request on the basis that the ends of justice  
8 served by taking such action outweigh the best interest of the public and the  
9 Defendants in a speedy trial.

10 11 8. Nothing in this stipulation and order shall preclude a finding that other provisions of  
12 the Speedy Trial Act dictate that additional time periods are excludable from the  
13 period within which a trial must commence.

14 15 Assistant U.S. Attorney Adrian Kinsella, Attorney Michael Long on behalf of Defendant  
16 Ceasar Martinez, and Attorney Dina Santos on behalf of Defendant Ricardo Marmolejo have  
17 reviewed this stipulation and proposed order and authorized Todd Leras via email to sign it on  
18 behalf of their respective clients.

19 20 DATED: September 2, 2022

PHILLIP A. TALBERT  
United States Attorney

21 22 By /s/ Todd D. Leras for  
23 ADRIAN T. KINSELLA  
24 Assistant United States Attorney

25 DATED: September 2, 2022

26 By /s/ Todd D. Leras  
27 TODD D. LERAS  
28 Attorney for Defendant  
NEHEMIAH AVILA

ORDER CONTINUING STATUS  
CONFERENCE

1 DATED: September 2, 2022

2 By /s/ Todd D. Leras for  
3 MICHAEL D. LONG,  
4 Attorney for Defendant  
5 CEASAR MARTINEZ

6 DATED: September 2, 2022

7 By /s/ Todd D. Leras for  
8 DINA SANTOS  
9 Attorney for Defendant  
10 RICARDO MARMOLEJO

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28 ORDER CONTINUING STATUS  
CONFERENCE

## ORDER

BASED ON THE REPRESENTATIONS AND STIPULATION OF THE PARTIES, it is hereby ordered that the previous status conference in this matter before United States District Judge Troy L. Nunley, scheduled for September 15, 2022, is vacated. A new status conference is scheduled before United States District Judge Dale A. Drozd on November 8, 2022, at 9:00 a.m. The Court further finds, based on the representations of the parties and the request of all defense counsel, that the ends of justice served by granting the continuance outweigh the best interests of the public and the Defendants in a speedy trial. Time shall be excluded under the Speedy Trial Act, 18 U.S.C. § 3161(h)(7)(B)(iv) and Local Code T-4, to allow necessary attorney preparation taking into consideration the exercise of due diligence for the period from September 15, 2022, up to and including November 8, 2022.

IT IS SO ORDERED.

Dated: September 9, 2022 Dale A. Droyd  
UNITED STATES DISTRICT JUDGE

ORDER CONTINUING STATUS  
CONFERENCE